

UNITED STATES COURT OF APPEALS April 12, 2011
FOR THE TENTH CIRCUIT Elisabeth A. Shumaker
Clerk of Court

ELISA GEDO,

Plaintiff - Appellee,

v.

MIGUEL DAVID GEDO,

Defendant - Appellant.

No. 11-4052
(D.C. No. 2:10-CV-00429-TC)

ORDER

Before **LUCERO, GORSUCH**, and **HOLMES**, Circuit Judges.

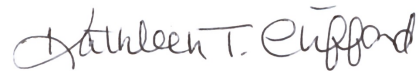
Defendant Miguel Gedo, proceeding *pro se*, appeals the district court's March 22, 2011 Order adopting the magistrate judge's report and recommendation and remanding a child custody action to the state court from which it was removed by Defendant. Because this court lacks jurisdiction, the appeal is dismissed.

"An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise." 28 U.S.C. § 1447(d). In this case, the district court remanded a custody action to King County Superior Court in the State of Washington based on lack of subject matter jurisdiction. *See* § 1447(c). Because the March 22, 2011 Order was premised on lack of jurisdiction, the order is not subject to review in this

court. *See* § 1447(d); *Kircher v. Putnam Funds Trust*, 547 U.S. 633, 642 (2006).

Accordingly, the appeal is **DISMISSED** for lack of jurisdiction.

Entered for the Court,
Elisabeth A. Shumaker, Clerk

A handwritten signature in cursive script that reads "Kathleen T. Clifford". The signature is written in dark ink and is positioned above the printed name of the signatory.

Kathleen T. Clifford
Attorney - Deputy Clerk